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FILED

MAY 23 2014

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

KISHORE PALLAPOTHU,

Defendant.

) Case No.: CR 14-70298 PSG

) STIPULATION AND ~~[PROPOSED]~~ ORDER

) [UNDER SEAL]

Defendant Kishore Pallapothu has been charged with a violation of 18 U.S.C. § 1505, Obstruction of Justice, and has been released on terms and conditions including an appearance bond and supervision by Pretrial Services.

This matter is scheduled to come before the Court for preliminary hearing or arraignment on indictment on Wednesday, May 28, 2014.

Since the last calling of the case, the parties have started the discovery process and the government intends to provide a substantial amount of discovery in the form of electronic documents in June 2014. Additional time is required to receive, review and analyze the to-be-provided discovery. The parties also intend to discuss a possible disposition of this matter short of indictment and such disposition may include cooperation.

STIPULATION AND ~~[PROPOSED]~~ ORDER
CR 14-70298 PSG

Accordingly, the parties mutually agree and hereby stipulate that a short continuance of this matter from May 28, 2014, until September 4, 2014, is necessary for effective preparation of counsel and for continuity of counsel. The parties further agree and stipulate that the time from May 28, 2014, through and including September 4, 2014, may be excluded from the computation of time within which an information or indictment shall be filed under the Speedy Trial Act, in order to ensure the reasonable time necessary for effective preparation and continuity of counsel, pursuant to Title 18, United States Code Section 3161(b), (h)(7)(A), (h)(7)(B)(iv), as well as a mutual stipulation to waive time for an indictment or preliminary hearing, pursuant to Rule 5.1 of the Federal Rules of Criminal Procedure, up to and including September 4, 2014, based on the need for effective preparation of counsel and continuity of counsel.

Finally, as this document references a disposition including cooperation, the parties request that this stipulation and order be filed under seal.

MELINDA HAAG
United States Attorney

/s/
TIMOTHY J. LUCEY
Assistant United States Attorney

/s/
EDWIN PRATHER
Attorney for Defendant
KISHORE PALLAPOTHU

[PROPOSED] ORDER

GOOD CAUSE APPEARING and per the parties' stipulation, the Court enters this order continuing the date for a preliminary hearing or arraignment on an indictment, from Wednesday, May 28, 2014, until Thursday, September 4, 2014, at 8:30 a.m., before the duty magistrate judge, as well as documenting the defendant's waiver of the time to conduct a preliminary hearing under Federal Rule of Criminal Procedure Rule 5, as well as the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, from May 28, 2014, up to and including September 4, 2014.

Finally, as this stipulation and order references cooperation, the document shall be filed under seal pending further order of this Court, except that copies may be provided to the United States and counsel for the defendant.

IT IS SO ORDERED.

Dated: 5/23/2014


HON. NATHANAEL COUSINS
U.S. MAGISTRATE JUDGE